

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

NICHOLAS NEAL,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 3:22-cv-00315-MMD-CSD

ORDER EXTENDING DEADLINE TO  
FILE AMENDED COMPLAINT AND  
DENYING WITHOUT PREJUDICE IFP  
APPLICATION

(ECF No. 1)

*Pro se* Plaintiff Nicholas Neal brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at Northern Nevada Correctional Center. (ECF No. 4). On September 1, 2022, this Court dismissed Neal's claims and ordered him to file an amended complaint by October 1, 2022. (ECF No. 3). The Court warned Neal this action could be dismissed if he failed to timely file an amended complaint. (*Id.* at 7). The deadline has expired but Neal did not file an amended complaint, move for an extension, or otherwise respond.

However, the Court notes that according to the Nevada Department of Corrections inmate database, Neal is no longer incarcerated. Neal has not filed an updated address with this Court. Neal is advised that Nevada Local Rule of Practice IA 3-1 requires a *pro se* party to "immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number" and serve the notification "on each opposing party or the party's attorney." And "[f]ailure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court." Nev. Loc. R. IA 3-1.

Considering these circumstances, the Court will deny Neal's application to proceed *in forma pauperis* as moot and will grant him an extension of time to file an amended complaint, his updated address with this Court, and an application to proceed *in forma pauperis* for a non-inmate or pay the full \$402 fee for filing a civil action.

It is therefore ordered that the deadline for Plaintiff to file an amended complaint consistent with the Court's September 1, 2022, screening order is **extended to Friday, November 18, 2022.**

It is further ordered that Plaintiff has **until Friday, November 18, 2022**, to (1) file an updated address with the Clerk of the Court and (2) either file a fully complete application to proceed *in forma pauperis* for a non-inmate or pay the full \$402 fee for filing a civil action.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he fails to timely comply with this order.

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UNITED STATES MAGISTRATE JUDGE